

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of:

Amendment of Part 97 of the Commission's
Amateur Radio Service Rules to revise
examination requirements.

RM- _____

To: The Commission

September 12, 2003

PETITION FOR RULE MAKING

The Puerto Rico Amateur Radio League, a Special Service Club of the ARRL is a national organization founded in 1988, with members in various countries of the world. It is a non-profit organization registered in the Department of State of the Commonwealth of Puerto Rico. It is managed by volunteer amateurs who do not receive monetary compensation for their work. Its purpose is to train and develop radio operators, promote public service communications and provide emergency communications to public service organizations when conventional systems fail to operate.

The membership of the PRARL participated in an on-line poll regarding the retention of Morse code and the CW segments of the bands. After studying the results of the poll which reflects the opinion of the participants we respectfully request that the Commission issue a Notice of Proposed Rule Making as soon as possible towards the amendment of the Amateur Radio Service rules, 47 CFR §97 as we describe in the following Appendix.

APPENDIX - I

Technician Class:

Eliminate the Morse code requirement (Element 1) for the Technician license altogether. Require improved technical and operational skills in the written tests including digital modes maintaining the 35 question format. This will eliminate the "Technician w/HF" endorsement.

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General Class:

Eliminate the Morse code requirement (Element 1) for the General Class license and increase the technical and operational skills in the written tests. Reinforce the operating skills and safety sections (Subelements G2, G4, G8 and G0).

Amateur Extra Class:

Maintain the Morse code requirement at 5 words per minute (Element 1) for the Amateur Extra Class license. The Amateur Extra Class licensee is the most highly trained operator in the Amateur Radio Service. In the United States an amateur with this license should at least be able to communicate in the CW mode at a reasonable speed during an emergency situation when other modes are not effective. The ability to transmit and receive at 5 words per minute is perhaps not a practical and reliable speed for this type of important traffic handling but will ensure basic knowledge of CW that is the stepping stone towards further practice and high speed proficiency. The Morse code mode may disappear from some services but amateur radio will rely on it as a unique mode to make emergency traffic flow when other more modern modes fail or are not available. This is precisely the reason why the Amateur Radio Service handles traffic effectively when other services fail.

VEC Qualifications:

The Commission since 1982 (Public Law 97-259) transferred the examination preparation and administration to VECs. We have seen in the past how examinations have been seriously compromised¹ because some VEC organizations do not maintain a reliable auditing system. Some VECs certify new VEs by merely receiving an on-line request. No real investigation is made to ensure the minimum statutory qualifications. We strongly believe that the Commission should firmly require adequate monitoring and auditing of the VEs in their organization and that VEs maintain a formal record of their activities so that they can respond to the Commission requirements or audits per §97.501, 97.503, 97.505, 97.507, 97.509, 97.511, 97.513, 97.519, 97.521, 97.523, and 97.525. The VEC should be made responsible of the actions of the VE examining teams under their jurisdiction who compromise testing because they lack proper supervision and auditing.

Examination contents and administration:

The Commission should regulate the contents of the examinations prepared by VECs or VEs. Originally it was mandatory to maintain a certain proportion of questions

¹ The Amateur Radio Service community in Puerto Rico was seriously damaged by the actions of VEs who for over 15 years compromised the system. Although the VEC was warned in more than one occasion no audits were performed and no action was taken. Under pressure by the community and the FCC the VEC organization had to desist of the services of nearly 100 VEs who were certified, many of them using the "instant certification" method.

by Subelement. The requirement was slowly relaxed until the selection of questions was transferred to the VEs. Presently a test for any type of license can contain any combination of questions selected by the VE who prepares the test. As a result, a legal test at the present time, in essence, may contain all 35 questions from one Subelement and none from all others. We strongly believe that the Commission should maintain control of the contents of a test. The NCVEC was established to prepare and administer tests and not to decide its contents. The recent request by the NCVEC to remove the CW requirements and to reduce the written test contents is a clear signal to the Commission of the necessity to maintain control of the topics to be included in the syllabus of topics and the ratio of questions per subelement to be included in the tests.

The Commission should eliminate re-testing within a VE Session. Candidates who fail a test (written or code) can pay for additional tests during the same session. This practice permits candidates to continue trying two, three or more tests² until they pass without promoting further studies to reinforce their knowledge of the material. The Commission should consider allowing only one entry per candidate in the session's roster. The candidate should be required to further study the material and apply for a test in another session.

Conclusion:

The knowledge of Morse code is needed in order to maintain a reliable emergency communications service during natural disasters and national emergencies. New technologies have brought excellent means of communications but during emergencies, computers and other sophisticated equipment are normally not available or inadequate to operate. CW equipment can be assembled from common, easily obtainable parts by Amateur Radio operators who will enhance their skills by doing so.

The VEC program was developed in 1982; twenty-one years later it still needs a firm and effective control by the Commission. In many instances it has become a profitable business and therefore, now more than ever it needs to be monitored by the Commission. The quality of the amateur operators must be maintained by ensuring proper testing procedures and compliance with the required test content.

² With the present system a candidate can request infinite retests in the same session by simply paying the required fees. Since VE teams use similar tests, there is no mechanism in place to avoid a different VE to administer the same version that a candidate failed in another VE session a day or hours before.

APPENDIX – II

Proposed Revisions to Part 97 Rules (47 CFR)

§97.301 Authorized frequency bands.

The following transmitting frequency bands are available to an amateur station located within 50 km of the Earth's surface, within the specified ITU Region, and outside any area where the amateur service is regulated by any authority other than the FCC.

- (a) For a station having a control operator.....
 - (b) For a station having a control operator.....
 - (c) For a station having a control operator.....
 - (d) For a station having a control operator....
 - (e) For a station having a control operator who has been granted an operator license of Novice Class or Technician Class. ~~and who has received credit for proficiency in telegraphy in accordance with the international requirements:~~
 - (f) For a station having a control operator
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§97.307 Emission Standards

- (a) No amateur....
- (b) Emissions resulting.....
- (c) All spurious emissions
- (d) The mean power....
- (e) The mean power
- (f) The following standards....
 - (1) No angle-modulated
 - (2) No non-phone emission.....
 - (3) Only a RTTY or data.....
 - (4) Only a RTTY or data....
 - (5) A RTTY, data
 - (6) A RTTY, data or.....
 - (7) A RTTY, data
 - (8) A RTTY or data emission...
 - (9) A station having a control operator holding a Novice or Technician Class operator license may only transmit a CW emission using the international Morse code, **RTTY or data in compliance with §97.309(a).**
 - (10) A station having a control operator holding a Novice Class operator license or a Technician Class operator license ~~and who has received credit for proficiency in telegraphy in accordance with the international requirements~~ may only transmit a CW emission using the international Morse code or phone emissions J3E and R3E.

- (11) Phone and image....
- (12) Emission F8E may
- (13) A data emission using....

§97.313 Transmitter power standards.

- (a) An amateur station must
- (b) No station may transmit.....
- (c) No station may transmit with.....
 - (1) The 3.675-3.725 MHz,.....
 - (2) **The 28.1-28.5 MHz segment when the control operator is a Novice Class operator or a Technician Class operator who has received credit for proficiency in telegraphy in accordance with the international requirements; or**
 - (3) The 7.050-7.075 MHz

§97.501 Qualifying for an amateur operator license.

Each applicant must pass an examination for a new amateur operator license grant and for each change in operator class. Each applicant for the class of operator license grant specified below must pass, or otherwise receive examination credit for, the following examination elements:

- (a) Amateur Extra Class operator: Elements 1, 2, 3, and 4;
- (b) General Class operator: Elements ~~1~~, 2, and 3;
- (c) Technician Class operator: Element 2.

§97.503 Element Standards

- (a) A telegraphy examination....
- (b) A written examination must.....
 - (1) Element 2: 35 questions.....
 - (2) Element 3: 35 questions.....
 - (3) Element 4: 50 questions.....

(c) The topics and number of questions required in each question set are listed below for the appropriate examination element:

TOPICS	Element 2	Element 3	Element 4
1. FCC Rules T1A thru T1E and Testing Procedures.	12 (34%)	4 (10%)	5 (10%)
2. Technical Topics: Methods of Communication, Radio Phenomena, Good Engineering Practices, Basic Communications, Special Operations.	5 (14%)	14(40%)	30 (60%)
3. Operating Duties and Techniques: Station Licensee Duties, Control Operator Duties, Good Operating Practices	12 (34%)	14 (40%)	10 (20%)
4. Electrical Safety and Environmental FR Exposure Safety.	6 (17%)	4 (10%)	5 (10%)

§97.509 Administering VE requirements

(a) Each examination.....

(b) Each administering VE must:

- (1) Be accredited by the coordinating VEC;
- (2) Be at least 18 years of age;
- (3) Be a person who holds an amateur...
 - (i) Amateur Extra, Advanced or
 - (ii) Amateur Extra or Advanced....
 - (iii) Amateur Extra Class in order....

(4) Not be a person whose grant of an amateur station license or amateur operator license has ever been revoked or suspended **or his accreditation as a VE has been for any reason cancelled by the coordinating VEC or the Commission, or the coordinating VEC has for any reason rescinded his services as an accredited VE.**

(c) Each administering VE must.....

- (d) No VE may administer an
- (e) No VE may administer or certify.....
- (f) No examination that has been
- (g) Passing a telegraphy receiving.....

VEs are responsible for determining the correctness of the examinee's answers.

- (i) When the examinee is credited
- (j) When the examinee does not score a passing grade on an examination element, the administering VEs must return the application document to the examinee and inform the examinee of the grade. **A candidate who fails any examination element will not be able to attempt any additional elements before 30 days have elapsed since the date of the session where he failed such element.**
- (k) The administering VEs must.....
- (l) The administering VEs must
- (m) Within 10 days of the administration.....

§97.521 VEC qualifications

No organization may serve as a VEC

- (a) Be an organization that exists....
- (b) Be capable of serving as a VEC...
- (c) Agree to coordinate examinations.....
- (d) Agree to assure that, for any.....

(e) Be responsible for the proper administration of examinations by VEs accredited by him. A record of investigations made prior to acceptance of any VE in order to ensure compliance with §97.525 must be kept for as long as such VE is active in the VEC organization. Periodical session audits will be performed by the VEC according to acceptable practices. Record of the results must be kept for as long as the VE is active in the VEC organization. "On line" or instant accreditation of VEs is not permitted.

§97.525 Accrediting VEs

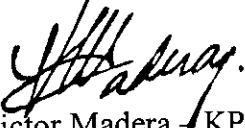
(a) No VEC may accredit a person as a VE if:

- (1) The person does not meet
- (2) The FCC does not accept....
- (3) The VEC determines that or
- (4) The VEC determines that....

(5) If the VE has ever been removed from service for any reason by any qualified VEC organization.

(b) Each VEC must seek a broad.....

Respectfully submitted,
For the Puerto Rico Amateur Radio League


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